

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

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6 IN THE MATTER OF: :
7 Pub Crawl :
8 Applicant: Christine Benner : Fact Finding
9 Date of Event: Oct. 29, 2016 : Hearing
10 Event: Lindy Promotions, :
11 LLC, (Nightmare on M Street) :
12 Neighborhood: Multiple :
13 Licensed Premises :
14 Size of Event: 5,000 :
15 - - - - -X

16 Wednesday, September 07, 2016
17

18 Whereupon, the above-referenced matter
19 came on for hearing at the Alcoholic Beverage
20 Control Board, Reeves Center, 2000 14th Street,
21 N.W., Suite 400S, Washington, D.C. 20009.
22

1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 BOARD MEMBERS:

5 RUTHANNE MILLER

6 NICK ALBERTI

7 MICHAEL SILVERSTEIN

8 JAMES SHORT

9

10 ALSO PRESENT:

11

12 CHRISTINE BRENNER,

13 On behalf of Lindy Promotions, LLC

14 JASON PERU,

15 On behalf of ABRA

16 TASHA NICOLE CULLINGS,

17 On behalf of ABRA

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1 P R O C E E D I N G S

2 [11:57 a.m.]

3 MR. DONOVAN W. ANDERSON: All right. We
4 now move to our -- All right. We now move to our
5 -- our next case, a pub crawl. Applicant is
6 Christina (sic) Benner; date of event, October
7 29, 2006 (sic); Nightmare on M Street; um,
8 multiple licensed premises; event size 5,000.
9 Would the parties please approach, and, um, Ms.
10 Brenner, can you please, um, spell your name for
11 the record, please, and, um -- and put it on the
12 sheet in front of you, please?

13 MS. CHRISTINE BRENNER: Christine
14 Brenner, C-h-r-i-s-t-i-n-e Brenner -- B-r-e-n-n-
15 e-r -- on behalf of Lindy Promotions.

16 INVESTIGATOR JASON PERU: Investigator
17 Jason Peru with ABRA. J-a-s-o-n P-e-r-u.

18 INVESTIGATOR TASHA CULLINGS:
19 Investigator Tasha Nicole Cullings -- T-a-s-h-a -
20 - last name is C-u-l-l-i-n-g-s.

21 MR. DONOVAN W. ANDERSON: All right. Um,
22 we're here today based on a -- we're having a

1 fact finding hearing on a pub crawl hearing, and
2 I think, um, Ms. Brenner, one of the reasons --
3 I'll let you know that -- that, um, I think one
4 of the reasons why we're having a -- this hearing
5 is because it's on Halloween, and, um -- And I'm
6 going to mention it, although I was not here, but
7 you're aware that the -- this Board has had --
8 excuse me -- many issues with Halloween of last
9 year. And it's apropos that you have your -- your
10 event, Nightmare on M Street, which I think that
11 in light of the issues that this Board has, I
12 have heard enough about Halloween last year to
13 say it was nightmare on M Street.

14 MALE SPEAKER: It was.

15 MR. DONOVAN W. ANDERSON: But -- but --
16 All right. Um, there is -- just want a record to
17 -- there -- another promoter has also -- has also
18 requested to have a -- have an event, also in
19 that area, um, last school year -- I'm sorry,
20 this year, and the Board is concerned about
21 numbers and -- and the times. So, I just want to
22 let you know that that, um, was going on.

1 Anyway, so is, um -- I'm sorry, Mr. Peru
2 and Ms. -- I'm having a senior moment -- Ms. --

3 INVESTIGATOR TASHA CULLINGS: Cullings.

4 MALE SPEAKER: Cullings.

5 MR. DONOVAN W. ANDERSON: Ms. Cullings,
6 I'm -- I -- I apologize. Who's -- um, who will be
7 presenting?

8 INVESTIGATOR JASON PERU: I will be.

9 MR. DONOVAN W. ANDERSON: Mr. Peru --

10 INVESTIGATOR JASON PERU: Yes.

11 MR. DONOVAN W. ANDERSON: -- go ahead,
12 please.

13 INVESTIGATOR JASON PERU: You'd like me -
14 - Oh.

15 MR. DONOVAN W. ANDERSON: Yes, go ahead,
16 sir. Yeah.

17 INVESTIGATOR JASON PERU: Oh, okay. Um, I
18 went over the application. Um, uh, everything --
19 you know, I'm -- I'm seeing that they've
20 provided, you know, information with litter and
21 controls and procedures.

22 Um, the only -- the -- the first red flag

1 that popped up was the establishments that are
2 involved. I went through all of them. I went
3 through all the investigative history. Um, out of
4 -- although, surprisingly, it's -- it's not --
5 it's not as many, um, but I -- I pulled the
6 histories of the ones that actually had
7 violations, some on Halloween, others for
8 substantial change, entertainment, um, using the
9 -- the premises, uh, beyond the hours, uh, sell
10 to minor, um, sidewalk cafe after hours.

11 So, uh, specifically, I can tell you,
12 it's a -- a -- a Irish Whiskey has that -- uh,
13 those type violations for, um, cafe after hours.
14 Rumors Restaurant has sell to minor twice, back
15 to back, security plan violations. Um, James
16 Hoban, uh, was actually on Halloween of last
17 year, substantial change in operations.

18 MR. DONOVAN W. ANDERSON: I'm sorry, what
19 -- which place?

20 INVESTIGATOR JASON PERU: James -- James
21 Hoban.

22 MALE SPEAKER: Hoban's.

1 MR. DONOVAN W. ANDERSON: Hoban's? Where
2 is that one?

3 (Off-mic speaking)

4 MALE SPEAKER: Top of the right-hand
5 side.

6 MR. DONOVAN W. ANDERSON: Okay, I'm
7 looking at it.

8 MS. RUTHANNE MILLER: What was the
9 problem with that one?

10 INVESTIGATOR JASON PERU: Um, he has a
11 violation for on premise retail, substantial
12 change in operations from --

13 MR. DONOVAN W. ANDERSON: Hold on --

14 INVESTIGATOR JASON PERU: -- Halloween of
15 last year.

16 MR. DONOVAN W. ANDERSON: Hold on. Hold
17 on one minute. Hold -- maybe I'm looking at
18 something differently, because --

19 (Off-mic speaking)

20 MR. DONOVAN W. ANDERSON: Oh, oh, all
21 right. Okay. All right.

22 (Off-mic speaking)

1 MR. DONOVAN W. ANDERSON: No, I'm -- All
2 right. Hold on. Hold on.

3 (Off-mic speaking)

4 MR. DONOVAN W. ANDERSON: All right. I
5 was -- Okay. I was confused. I was looking at a
6 different list, and I did not see that. I did not
7 see --

8 INVESTIGATOR JASON PERU: That's fine.

9 MR. DONOVAN W. ANDERSON: -- that
10 establishment, and that's what it -- So, let me
11 go back to --

12 MALE SPEAKER: Can -- can -- can I ask,
13 Mr. Peru --

14 INVESTIGATOR JASON PERU: Yes, sir.

15 MALE SPEAKER: -- Investigator, when you
16 read off the names -- start from the beginning --
17 just give the violations.

18 INVESTIGATOR JASON PERU: Okay. Okay. Do
19 you want me to start from the beginning, you
20 said?

21 MALE SPEAKER: Please. Yes.

22 INVESTIGATOR JASON PERU: Okay. I have,

1 um, Irish Whiskey. They have, uh, violations
2 from, uh, July of last year for, um, uh, no ABC
3 manager, sidewalk cafe after hours.

4 MR. DONOVAN W. ANDERSON: And so, what
5 does that mean? Does that --

6 INVESTIGATOR JASON PERU: And they also -
7 - Well, I was -- I was -- I was pulling places
8 that had violations --

9 MR. DONOVAN W. ANDERSON: Mm-hmm.

10 INVESTIGATOR JASON PERU: -- that usually
11 occurred doing events for after hours, sidewalk
12 cafes, control of litter. Irish Whiskey also has
13 control of litter, uh, uh, violation --

14 MR. DONOVAN W. ANDERSON: So, let me ask
15 you --

16 INVESTIGATOR JASON PERU: -- in their
17 history.

18 MR. DONOVAN W. ANDERSON: -- a question:
19 But can Irish -- Irish Whiskey -- can they
20 participate in pub crawls?

21 INVESTIGATOR JASON PERU: Yes, there's
22 only one establishment that cannot --

1 MR. DONOVAN W. ANDERSON: Which one?

2 INVESTIGATOR JASON PERU: -- especially
3 one for me. That -- that's the Manor. The Manor -
4 - per the Manor's settlement agreement, they
5 cannot participate in bar crawls. The other
6 information I was providing you was just to let
7 you know what red flagged myself looking through
8 the histories of the establishments that are
9 involved in this pub crawl.

10 MR. DONOVAN W. ANDERSON: So, you are
11 aware that, Ms. Manor -- that -- Ms. Brenner,
12 that by operation of law, that the -- by their
13 settlement agreement that the Manor cannot
14 participate in a pub crawl --

15 MS. CHRISTINE BRENNER: I was --

16 MR. DONOVAN W. ANDERSON: -- based on
17 their settlement agreement. So, therefore, if the
18 Board was to approve -- was to approve your pub
19 crawl application, then you would have to amend
20 it that this establishment, based on their
21 settlement agreement, cannot -- cannot.

22 MS. CHRISTINE BRENNER: Yes.

1 MR. DONOVAN W. ANDERSON: Okay. All
2 right. Go ahead, Mr. Peru.

3 INVESTIGATOR JASON PERU: Okay. And, um,
4 so Irish Whiskey also had for control of litter.
5 Um, I went through, uh, Rumors. You know, uh,
6 it's red flag one again, just, uh, you know, they
7 had a employee possessing, uh, cocaine, attempt
8 to distribute. Uh, it was declined by the OAG.
9 Sell to minor that they were fined for, um, on
10 several occasions. They have several sell-to-
11 minor charges at Rumors.

12 Um, James Hoban, on Halloween, on premise
13 retail, substantial change in operation must be
14 approved, requested a show cause hearing. It says
15 the -- the hearing is actually set for this year,
16 so it hasn't been adjudicated yet. But they --
17 that was from Halloween.

18 And then, Sign of the Whale -- from
19 December, um, they have substantial change in
20 operation approved, and this actually says "pub
21 crawl" in the history, entertainment endorsement,
22 and, um, that was set for a show cause hearing

1 on, looks like August 03rd, and accepted an offer
2 in compromise, um, on it.

3 So, this is places that after going -- I
4 went through the history of every place listed,
5 just to see if everyone was, you know, a up-and-
6 up operation when it comes to a pub crawl, which
7 caused us the problems, uh, uh, last year, and I
8 just wanted to let the Board be aware of those
9 histories of those establishments that actually
10 red flagged or showed concerns for myself, so.

11 MR. DONOVAN W. ANDERSON: Do -- do you
12 have any other concerns with any other aspect of
13 the application?

14 INVESTIGATOR JASON PERU: No, I -- I
15 would like -- I would like to hear the, um -- the
16 applicant go over, uh, operations and stuff first
17 before I maybe had any -- any questions that --
18 that might pop up. I went through everything.
19 Everything looks -- looks to be -- to be in
20 order, um, what -- what she presented.

21 MR. DONOVAN W. ANDERSON: Okay. All
22 right, Ms. Brenner.

1 MS. CHRISTINE BRENNER: Um, I'd first
2 like to begin by thanking the Board for allowing
3 me to speak today, on behalf of Lindy Promotions,
4 about the 18th Annual Nightmare on M Street.

5 A few years back, Lindy Promotions
6 founder Dave Lindemeyer sat down with the current
7 Board -- with the then-current Board members to
8 help write the rules and regulations for pub
9 crawls. This is the type of relationship I want
10 to have with the current Board members, but I
11 first understand that I must win your trust back,
12 the trust that was lost last October, with what
13 was described as the perfect storm of pub crawls.
14 I promise to make the Nightmare on M Street Crawl
15 as picture perfect not only how crawls should be
16 produced but managed.

17 We will be partnering with MASSIVE
18 security, as well as, potentially, state security
19 to make sure the event is secure. Security is
20 very big for us. Both companies are licensed
21 security companies in the District of Columbia
22 and will be used as crowd control as well as ID

1 checking to make sure all participants are 21 and
2 over. We will also hire MASSIVE security
3 supervisors to walk the area of the crawl, um,
4 and use crowd control to help with the
5 neighborhood, as well.

6 Unlike a few of our competitors, we
7 believe security is something that should not be
8 left to the venue but is an expense that must be
9 covered by Lindy Promotions, because we are the
10 ones bringing more patrons into the Dupont Area
11 than normal.

12 Another big concern that we're aware of
13 is the litter control, and having seen the
14 pictures from last year's bar crawl, I completely
15 understand, and this is a concern for me, as
16 well. We do not want to be looked at as the
17 company that comes into the community, destroys
18 it, and then leaves. This is one of the reasons
19 we've actually offered to repay the Golden Bid
20 Triangle -- the Golden Triangle BID last year but
21 was declined.

22 For this year's Nightmare event, we

1 actually have a three-step litter plan. The first
2 step is when our contracted staff members arrive,
3 and it will state in their contracts with us, as
4 well, that they will all be given a disposable
5 cardboard trash box, um, trash bags, as well as a
6 broom and dustpan. Before any registration table
7 is set up or any customers are allowed to check
8 in, they must send a picture of the swept area to
9 myself. This will then be documented and
10 approved. Once it's approved, the staff will then
11 be allowed to start -- to start setting up
12 registration.

13 Having staff arrive earlier to help the
14 set up and sweep, this is going to be an
15 additional cost for us, but we feel that this is
16 one that should be covered, and we are happy to
17 pay.

18 Um, we're also going to be using, uh,
19 plastic wristbands this year, instead of paper
20 ones, so they do not have that little piece of
21 paper that comes ripping off. We think that's
22 going to help with the litter, as well, and we

1 are not going to be printing any maps. Um, we're
2 going to send out an email the morning of the
3 event for all of our customers so that they can
4 have the map on their phone.

5 We're also looking to partner with an app
6 called oOple, um, which will allow customers to
7 download their app, and it'll have the map on the
8 app, as well as the list of all the food
9 specials, which we know is very big for everyone
10 here, as well, um, as well as the different drink
11 specials that we offer.

12 The second step is, once registration is
13 over, at our proposed time of 7:30, our staff
14 will then be contracted again to sweep the
15 registration area. No staff members will be
16 allowed to leave that registration area until I
17 give them the okay that everything is swept and
18 back to the way that we arrived with it.

19 Again, this is a cost that is going to
20 mean more money for us is spent on our staff
21 members, but we think it's something that will
22 help the community.

1 The third part of our litter plan is, uh,
2 we sent it to Mr. (inaudible) for approval. I'm
3 still waiting to hear from them, but it's to
4 partner with Bayside (phonetic), LLC, which is a
5 recommended clean-up company, um, from the ABRA.
6 Uh, they will be in charge of cleaning both sides
7 of the affected streets, curbs, gutters,
8 sidewalks, street boxes, um, including
9 wristbands, flyers, vomit, as well as other
10 things. Um, Lindy Promotions -- we do agree to
11 pay them no -- no later than 72 hours prior to
12 the event. If it was up to me, I'd prefer to pay
13 them beforehand, so that we know that they will
14 arrive.

15 Um, I know another aspect to -- that's
16 important to the Board is the number of
17 participants at each crawl, and at first, the
18 number of 5,000 does seem very large, and I do
19 agree to that. However, if you add up the number
20 of contracted capacities that we have signed
21 already, we're at 2,516, and that includes --
22 excludes, uh, Cafe Asia and Eden D.C., who we do

1 have signed contracts from and who are two of
2 Dupont Circle's bigger areas. Um, so given the
3 amount of space within each bar, as well as the
4 outdoor space and the amount of time it takes for
5 customers to walk from one bar to the other bar,
6 we do not feel that this is too large of a
7 capacity.

8 I love my job and I love the
9 relationships that I've built with the different
10 venues within the Dupont Circle area, um, and I
11 know that disobeying any of the recommendations
12 made by the Board today would not only be a
13 second tier violation, um, but it would also end
14 the fact -- Lindy Promotions' 20-year run here in
15 the D.C. area. Um, I have come to the Board
16 meetings. I've sat in every hearing, uh,
17 pertaining to the, uh, bar crawls' new rules and
18 regulations. I even attended the new licensee
19 training, um, with Ms. Fashbaugh, um, so that I
20 could understand more of what the bars have to go
21 through.

22 So, I'm asking the Board today, um, to

1 place their trust in me and allow me to not only
2 produce a Halloween bar crawl that the Board
3 would be, uh, happy to be a part of but the
4 community and the patrons, as well. So, thank
5 you.

6 MR. DONOVAN W. ANDERSON: Thank you, Ms.
7 Brenner. Um -- Well, hold on, Mr. Short. Mr.
8 Peru, do you have any questions based on the
9 presentation before I turn it over to the Board?

10 INVESTIGATOR JASON PERU: Um, yes. Just -
11 - just -- just a couple, uh, that I -- I didn't
12 hear her mention. Um, you -- the -- uh, MPD -- I
13 see you sent an email a while back, reaching out
14 to them. I was hoping you were going to, uh,
15 bring that up. Did you -- have you gotten any
16 response from MPD?

17 MS. CHRISTINE BRENNER: Um, both MPD and
18 the fire marshal, um, both have told me that I
19 had to get a special events permit and not a pub
20 crawl permit, so I was waiting -- and I reached
21 out to them asking if we are approved for us to
22 have this, uh, nice meeting and actually sit down

1 with both security companies that we're providing
2 and go over an emergency plan. But not -- they
3 all -- they are aware of the crawl, um, but it
4 seems like there's kind of a miscommunication on
5 how it should be identified.

6 MR. MIKE SILVERSTEIN: I'm sorry? Say it
7 again? You -- you were away from the microphone.

8 MS. CHRISTINE BRENNER: Oh, sorry. I have
9 reached out to both --

10 MR. MIKE SILVERSTEIN: Yeah, they are
11 aware of the crawl.

12 MS. CHRISTINE BRENNER: Yeah, um, but it
13 seems like there's a miscommunication on what
14 part they play in knowing about it. Because each
15 person has told me that it -- they don't need to
16 know.

17 MR. MIKE SILVERSTEIN: So, there's a
18 miscommunication with the police on what?

19 MS. CHRISTINE BRENNER: Uh, just on --

20 MR. MIKE SILVERSTEIN: Please elaborate.

21 MS. CHRISTINE BRENNER: -- the role they
22 play on the -- the pub crawl, in my opinion.

1 MR. MIKE SILVERSTEIN: There's a
2 miscommunication with the police on the role they
3 play in the pub crawl?

4 MS. CHRISTINE BRENNER: Because it states
5 that we have to tell them the information, and --
6 and I did, and -- Let me see if I have the email
7 -- their response was a -- kind of a "Thank you
8 for letting us know, but this doesn't pertain to
9 us. Please contact ABRA." And when I reached out
10 to fire marshal, he told me that I had to contact
11 Special Events and get a special events permit.
12 That's all I'm saying. I mean, that's what they
13 told me.

14 MR. JAMES SHORT: And have you done --
15 have you done that?

16 MS. CHRISTINE BRENNER: I'm sorry?

17 MR. JAMES SHORT: Have you done what the
18 fire marshal's office recommended?

19 MS. CHRISTINE BRENNER: I have not --

20 MR. JAMES SHORT: Why not?

21 MS. CHRISTINE BRENNER: -- gotten the
22 special -- Because I didn't necessarily think

1 that that was something that was needed for this.

2 MR. JAMES SHORT: In light of what
3 happened last year, you don't think this was an -
4 - and the fire marshal, who had a lot of problems
5 last year -- you don't think what they said to
6 you matters?

7 MS. CHRISTINE BRENNER: It's -- I'm sorry
8 if that's how you took that, but that's not what
9 I mean at all.

10 MR. JAMES SHORT: Okay, elaborate,
11 please.

12 MS. CHRISTINE BRENNER: I -- my
13 understanding -- and maybe I am wrong -- is, for
14 -- in order to have a pub crawl, the -- the, uh,
15 permit that I filled out was the permit that
16 needed to be filled out.

17 MR. JAMES SHORT: You are wrong. The fire
18 marshal overrules everything ABRA would say about
19 who sells alcohol and where. The fire marshal
20 overrules what you think. And I would suggest
21 very strongly you start working with a special
22 events permit as the fire marshal has requested

1 you to do. Otherwise -- I'm only one vote, but in
2 light of what's going on around the city -- and
3 you know what happened in Florida: All those
4 people got shot and whatever else, and all over
5 the country, all over the world -- in Spain and
6 in France ...

7 If the fire marshal says get a special
8 event and you don't, and if we vote for that,
9 then it's on us. And I'm not ready to take that
10 responsibility. I can't speak for any other --
11 other Board members, but I think you're being
12 quite presumptive in saying, "I'm not going to
13 worry about what the fire marshal said. I'm just
14 going to get a permit from ABRA."

15 Is that what -- It -- Tell me --
16 Elaborate what you're -- Tell me what you're
17 saying.

18 MS. CHRISTINE BRENNER: I'm sorry, I did
19 not mean, by any --

20 MR. JAMES SHORT: Okay.

21 MS. CHRISTINE BRENNER: -- means that I
22 don't --

1 MR. JAMES SHORT: Please, tell -- tell me
2 what you meant.

3 MS. CHRISTINE BRENNER: I -- if the Board
4 agrees that a special events permit needs to be -
5 -

6 MR. JAMES SHORT: It's not what the Board
7 agrees. The law says you have to abide by it.
8 It's not the Board. We can't overrule the fire
9 marshal's office. I can't say that plain enough
10 for you, and I want that to be directly on the
11 record so all the rest of my Board members would
12 know. The Board cannot override and give you a
13 permit if the fire marshal's office says get a
14 special events.

15 And the reason why they want you to get a
16 special events is so they can have enough
17 policemen, enough fire ambulances, because last
18 year they didn't, correct? And then they couldn't
19 even get to the street when they got the
20 ambulances there. So, we know we're not going to
21 have that this year, and one of the controls the
22 city has put on is special events.

1 MS. CHRISTINE BRENNER: Well, then, I
2 will definitely fill out the special events by
3 the end of today.

4 MR. JAMES SHORT: I -- I --

5 MS. CHRISTINE BRENNER: (Inaudible).

6 MR. JAMES SHORT: I thought you would
7 have done it, but if that's -- That's -- Okay.
8 Okay. I -- I've got some more questions, but I'm
9 sorry, Mike, you were --

10 MR. MIKE SILVERSTEIN: No, that's okay.

11 MR. DONOVAN W. ANDERSON: Hold on. Hold
12 on. Hold on. Hold on. Just -- I don't think Mr.
13 Peru was done.

14 INVESTIGATOR JASON PERU: Oh, no, that's
15 -- that's fine. I mean, I -- I just had one more
16 brief -- brief -- just, uh, for clarification. I
17 -- I don't think you -- you mentioned either is
18 that, listing your plan, you talk about, um,
19 providing, uh, designated drivers and, uh, also
20 have programs or use -- use of public
21 transportation. Have you -- you guys partnered
22 with anybody -- Uber, Lyft, any of those

1 applications -- to help these people --

2 MS. CHRISTINE BRENNER: We've reached --

3 INVESTIGATOR JASON PERU: -- uh, get home
4 safely?

5 MS. CHRISTINE BRENNER: Yeah, we've
6 reached out to a few of the, uh, D.C. taxi
7 companies. Um, we feel that that's a better --
8 better form of transportation rather than the
9 Uber drivers because, um, I know Uber drivers are
10 not legal in a few states. Um, so we have reached
11 out to the taxis.

12 INVESTIGATOR JASON PERU: So, you list,
13 designated drivers will receive a special
14 wristband for free --

15 MS. CHRISTINE BRENNER: Right.

16 INVESTIGATOR JASON PERU: -- so as -- at
17 locations. Um, how are the -- the designated
18 drivers being selected, or what's -- How -- how
19 is that working?

20 MS. CHRISTINE BRENNER: We'll have a
21 designated driver ticket, and so they'll receive
22 a different colored wristband that says --

1 INVESTIGATOR JASON PERU: Okay, so it's a
2 participating -- Like me, I'm with five friends -
3 -

4 MS. CHRISTINE BRENNER: Mm-hmm.

5 INVESTIGATOR JASON PERU: -- I'm the
6 designated driver. Hey, you give me a ticket, I
7 drink sodas all night. That's -- that's what --
8 Okay. Okay.

9 MS. CHRISTINE BRENNER: Right.

10 INVESTIGATOR JASON PERU: Just so we're
11 clear. Okay. I think that was it. I think that's
12 it for now, sir.

13 MR. DONOVAN W. ANDERSON: Thank you, Mr.
14 Peru.

15 (Off-mic speaking)

16 MR. MIKE SILVERSTEIN: Okay. I -- I would
17 like to ask Ms. Brenner --

18 MS. CHRISTINE BRENNER: Mm-hmm.

19 MR. MIKE SILVERSTEIN: -- uh, if you have
20 discussed with anyone the impact an additional
21 5,000 people, the Saturday before Halloween, in
22 an area that's a block and a half or, in one

1 case, a half a block, uh, from Engine Company #1?

2 MS. CHRISTINE BRENNER: I'm sorry, can
3 you repeat the end of that? I didn't hear you.

4 MR. MIKE SILVERSTEIN: Uh, that's -- that
5 an area that's a half a block -- one of your
6 establishments is a half a block from Engine
7 Company #1.

8 MALE SPEAKER: Fire company.

9 MR. MIKE SILVERSTEIN: Especially when,
10 last year, uh, the streets were completely and
11 totally blocked, and no traffic was able to get
12 through at all. Have you --

13 MS. CHRISTINE BRENNER: I have not, no.

14 MR. MIKE SILVERSTEIN: -- discussed that
15 with the police or fire?

16 MS. CHRISTINE BRENNER: I -- as I
17 mentioned, I did reach out to the police and fire
18 and let them know about the event, and I was
19 hoping that once we get approved, we could all
20 sit down and have a nice meeting and actually
21 discuss the emergency requirements.

22 MR. MIKE SILVERSTEIN: There were

1 profound, uh, issues last year with the ability
2 to get emergency vehicles into that area, to the
3 fact where the police actually had to bring in
4 horses, that they had to divert resources from
5 Georgetown on a Saturday before -- on, uh -- on
6 Halloween, and that they were totally caught
7 flat-footed. And this was before the events in
8 Florida and other places, where we have security
9 issues --

10 MS. CHRISTINE BRENNER: Mm-hmm.

11 MR. MIKE SILVERSTEIN: -- that must be
12 considered: people running around in masks and
13 things like that. In a situation like that -- uh,
14 I -- I would never forgive myself if something
15 happened. And it's not a matter of that, I mean,
16 it'd be dereliction of duty. I think it's
17 important that we discuss these matters with the
18 police --

19 MS. CHRISTINE BRENNER: I understand.

20 MR. MIKE SILVERSTEIN: -- and fire, and
21 make certain that we do not have crowds spilling
22 out into the street, making it impossible to have

1 an emergency response, even to something as minor
2 as a person falling and injuring themselves, yet
3 alone something more serious. Um, after what
4 happened last year, we have to do -- we have to
5 look at this with the maximum amount of scrutiny
6 and of care.

7 MS. CHRISTINE BRENNER: I -- I understand
8 that, and I will definitely reach out to Engine
9 Company.

10 (Off-mic speaking)

11 MR. DONOVAN W. ANDERSON: Yeah, I know.
12 All right. I know you've been, Mr. -- Hold on,
13 Mr. -- and -- and I know this -- do we have any
14 Board members want to ask a question? Because I
15 know you've asked it before, and I --

16 MALE SPEAKER: Yeah. Okay. No problem.

17 MR. DONOVAN W. ANDERSON: I don't want to
18 get beat up. I don't want to get beat up. So, Mr.
19 Alberti --

20 MR. NICK ALBERTI: Okay.

21 MR. DONOVAN W. ANDERSON: So I'll come
22 back.

1 MR. NICK ALBERTI: I -- I won't -- I
2 won't -- I promise not to be long. Um, so, Mr.
3 Peru, just to be clear, when you talked about
4 some of the violations that the bars had -- Do
5 any of the establishments have more than two
6 primary violations?

7 INVESTIGATOR JASON PERU: Oh, you mean --

8 MR. NICK ALBERTI: If you don't know, you
9 can take a look at that. That's really the --
10 That's the trigger as to whether they can --

11 INVESTIGATOR JASON PERU: You mean --

12 MR. NICK ALBERTI: -- participate or not.

13 INVESTIGATOR JASON PERU: Any of them at
14 all? The total? The -- the other ones, as well?
15 The -- the other ones that I mentioned?

16 MR. NICK ALBERTI: Right.

17 INVESTIGATOR JASON PERU: Okay.

18 MR. NICK ALBERTI: Anybody. Do any of
19 them -- We look at primary violations. If they
20 have more than two --

21 INVESTIGATOR JASON PERU: Okay.

22 MR. NICK ALBERTI: -- more than two --

1 INVESTIGATOR JASON PERU: Okay.

2 MR. NICK ALBERTI: -- three or more, um,
3 then they can't participate. So --

4 INVESTIGATOR JASON PERU: Gotcha.

5 MR. NICK ALBERTI: -- can you just double
6 check that --

7 INVESTIGATOR JASON PERU: Okay, I will. I
8 will.

9 MR. NICK ALBERTI: -- and, um --

10 INVESTIGATOR JASON PERU: Okay.

11 MR. NICK ALBERTI: -- and you can get
12 back to Ms. Benner --

13 INVESTIGATOR JASON PERU: Okay.

14 MR. NICK ALBERTI: -- if there are.

15 INVESTIGATOR JASON PERU: All right.

16 MR. NICK ALBERTI: So, um, in regards to
17 the establishments, you -- I just want to remind
18 you, Ms. Brenner, that establishments can only
19 participate in one pub crawl, and as the Chair
20 mentioned, we have another application for that
21 day for the -- about the same time. So, just in
22 your negotiations with the establishments, you

1 need to be aware of that.

2 MS. CHRISTINE BRENNER: And we do have in
3 our contracts -- I don't know if you guys were
4 given one in the -- a copy of one -- it does
5 state that our contract is only law abiding if
6 approved by ABRA in the permit. So, we do have
7 that in there in case you --

8 MR. NICK ALBERTI: Right, but we don't
9 regulate --

10 MS. CHRISTINE BRENNER: Yeah.

11 MR. NICK ALBERTI: -- who you contract
12 with, other than whether they're eligible, so you
13 need to know that there's some -- there's
14 competition out there for (inaudible).

15 MS. CHRISTINE BRENNER: Thank you.

16 MR. NICK ALBERTI: All right. Um, thank
17 you for your -- Your application is very
18 complete. Thank you, you did a very good job on
19 it. Um, your litter plan, um -- I really don't
20 have any issues with your litter plan except that
21 I -- there's a map attached to it. Is it -- I
22 guess -- Is that the implication, that that's --

1 the yellow area is --

2 MS. CHRISTINE BRENNER: Yes.

3 MR. NICK ALBERTI: -- where they're going
4 to clean?

5 MS. CHRISTINE BRENNER: Right.

6 MR. NICK ALBERTI: Okay. So, the only
7 thing I have -- and this is -- I'm quibbling here
8 -- but it's not clear on the contract that that's
9 -- it refers to this map, and so --

10 MS. CHRISTINE BRENNER: Okay.

11 MR. NICK ALBERTI: Just -- You know.

12 MS. CHRISTINE BRENNER: I can have them
13 add them, the --

14 MR. NICK ALBERTI: Yeah, just --

15 MS. CHRISTINE BRENNER: Okay.

16 MR. NICK ALBERTI: -- for the future. It
17 makes us all more comfortable. I know you've got
18 it here, so, um -- Okay.

19 The last issue I have is, ignoring what
20 happened last Halloween -- all right? -- we have
21 all come to realize that Halloween is a huge
22 event in the District, all right? And that's why

1 I and, I think, others, have a myriad of
2 concerns, serious concerns about pub crawls on
3 Halloween. Um, and I think that that's -- I think
4 you reacted to that throughout by having it in
5 the afternoon rather than the evening.

6 MS. CHRISTINE BRENNER: Yes, sir.

7 MR. NICK ALBERTI: Because for me,
8 nighttime's just not going to fly, and I think
9 you've got that signal from us.

10 MS. CHRISTINE BRENNER: Yes.

11 MR. NICK ALBERTI: All right. Um, but in
12 regards to that, your registration ends at 7:30,
13 and --

14 MS. CHRISTINE BRENNER: Mm-hmm.

15 MR. NICK ALBERTI: -- the event ends at
16 7:30.

17 MS. CHRISTINE BRENNER: Yes. That's --

18 MR. NICK ALBERTI: So, how does that
19 work?

20 MS. CHRISTINE BRENNER: So, hopefully,
21 people come earlier. Um, it's kind of a way to
22 get people -- because we will have it everywhere

1 that all specials will end at 7:30.

2 MR. NICK ALBERTI: Okay. I mean, I'll
3 tell you right off -- and all the Board members -
4 - I will not approve this with the registration
5 ending at 7:30. Part of what I want to make sure
6 on Halloween -- Now, other times of the year,
7 it's going to be different, all right?

8 MS. CHRISTINE BRENNER: Mm-hmm.

9 MR. NICK ALBERTI: But Halloween's a
10 special day. And so, I want to make sure we don't
11 -- I -- I want to make sure we don't have the
12 crowds on the street -- that we are not creating
13 extra crowds on the street -- by "we," I mean you
14 and our approval -- on the street in -- late into
15 the evening. MPD and the City has enough to deal
16 with on Halloween without adding to those issues.
17 Um --

18 MS. CHRISTINE BRENNER: I'd be happy to
19 amend that, sir.

20 MR. NICK ALBERTI: To -- to what time?

21 MS. CHRISTINE BRENNER: Um, 5:30? So,
22 really, 2 hours.

1 MR. NICK ALBERTI: Great. Sold me. Five
2 thirty's fine. And I don't know what the other
3 Board members want, but that's fine with me, so.
4 Um -- and I have no other questions. Thank you.

5 MS. CHRISTINE BRENNER: My pleasure.

6 MR. NICK ALBERTI: All right.

7 (Off-mic speaking)

8 MR. NICK ALBERTI: I -- I think the chair
9 is talking -- is asking about the number of
10 5,000. I think the chair's going to address that,
11 but you know -- We have -- we have to think about
12 that, because we have other applications, and so
13 just --

14 MS. CHRISTINE BRENNER: And like I said,
15 I --

16 MR. NICK ALBERTI: The chair will address
17 that further, um --

18 MS. CHRISTINE BRENNER: I want to work
19 with the Board, so if you guys have any
20 amendments, I'd be more than happy to do so.

21 MR. NICK ALBERTI: Okay. I'll let the
22 chair -- Thank you.

1 MR. DONOVAN W. ANDERSON: Go ahead, Ms.
2 Miller.

3 MS. RUTHANNE MILLER: Um, hi, Ms.
4 Brenner. Um, I think you've done a great job of,
5 uh --

6 MS. CHRISTINE BRENNER: Thank you.

7 MS. RUTHANNE MILLER: -- being well
8 prepared. I, um -- when we had hearings, well,
9 whenever it was on the (off-mic speaking), I
10 thought I heard some folks say that, um, they
11 were going to try to coordinate with other pub
12 crawl, um, presenters (inaudible) --

13 MS. CHRISTINE BRENNER: Mm-hmm.

14 MS. RUTHANNE MILLER: -- and so, um, are
15 -- are you aware of this other pub crawl that has
16 --

17 MS. CHRISTINE BRENNER: Yeah.

18 MS. RUTHANNE MILLER: -- um -- Okay. And
19 are you coordinating in any way?

20 MS. CHRISTINE BRENNER: We'd be happy to.
21 Um --

22 MS. RUTHANNE MILLER: Okay.

1 MS. CHRISTINE BRENNER: -- this other pub
2 crawl company, um, we feel, has lied to the Board
3 before, um, is kind of the reason that the pub
4 crawls that have a bad reputation. Um, they
5 produced bar crawls in other areas which have
6 caused a lot of chaos, um, and the fact that this
7 would be the 19th -- or 18th Annual Nightmare on
8 M Street is something that's a D.C. tradition.
9 We've had customers calling since July asking
10 about this event. And out of respect for the
11 Board, it's nothing that I would put up online
12 until we get approved.

13 Um, but moving forward, I'd be more than
14 happy -- Um, there've been plenty of times that
15 we actually did not host bar crawls because we
16 knew other companies wanted to host bar crawls.

17 MS. RUTHANNE MILLER: Okay. And part of
18 it, I was wondering how the -- it was working
19 out. I think we had publicized (inaudible) --

20 MS. CHRISTINE BRENNER: Mm-hmm.

21 MS. RUTHANNE MILLER: -- and -- Okay. Um,
22 did you say it's the 19th?

1 MS. CHRISTINE BRENNER: Uh, I believe
2 it's the 18th. I think I misspoke.

3 MS. RUTHANNE MILLER: Of yours, that
4 you've done this?

5 MS. CHRISTINE BRENNER: Not me
6 personally, but --

7 MS. RUTHANNE MILLER: Yeah.

8 MS. CHRISTINE BRENNER: -- Lindy
9 Promotions.

10 MS. RUTHANNE MILLER: Okay. So, uh, that
11 -- How, um, constant has that 5,000 number been?
12 Do you know how many, um, participants that have,
13 um, or asked for (inaudible) big history.

14 MS. CHRISTINE BRENNER: Yeah.

15 MS. RUTHANNE MILLER: -- so, that's --
16 it'd be important for me to know.

17 MS. CHRISTINE BRENNER: I don't want to
18 put anything on the record, because I'm not
19 certain exactly what numbers, um, have been in
20 the permit request before.

21 MS. RUTHANNE MILLER: Okay. That would be
22 helpful, I think, just for me, for my comfort

1 level, because when I -- because we have not been
2 approving this size, 5,000, lately, and --

3 MS. CHRISTINE BRENNER: Okay.

4 MS. RUTHANNE MILLER: Um, but, you know,
5 if there's a good reason to, in your opinion -- I
6 figure if you've done it for 18 years and had no
7 problems, that would influence me.

8 MS. CHRISTINE BRENNER: I'd be more than
9 happy to find out and, uh, send Ms. Randall an
10 email --

11 MS. RUTHANNE MILLER: Okay.

12 MS. CHRISTINE BRENNER: -- with those
13 numbers.

14 MS. RUTHANNE MILLER: That'd be great.

15 MS. CHRISTINE BRENNER: Of course.

16 MS. RUTHANNE MILLER: Um, are you aware
17 of what establishments the other pub crawl will -
18 - is -- is planning on using?

19 MS. CHRISTINE BRENNER: I am aware of who
20 they've reached out to --

21 MS. RUTHANNE MILLER: Mm-hmm.

22 MS. CHRISTINE BRENNER: -- um, and like I

1 said, in our contract, it does state -- This way,
2 they're not, um -- they don't have to work with
3 us if we're not approved, um, which is, I think,
4 something that we have that they don't have in
5 their contracts.

6 MS. RUTHANNE MILLER: Okay. But are your
7 contracts (off-mic speaking).

8 MS. RUTHANNE MILLER: Once -- if you guys
9 approve, yes, it'd be exclusive with us and only
10 us.

11 MS. RUTHANNE MILLER: Okay. So, it's
12 possible that you two could be vying for the same
13 establishments?

14 MS. CHRISTINE BRENNER: Yes, potentially.
15 If both crawls are approved, then yes, and --

16 MS. RUTHANNE MILLER: I mean, I have to
17 look at their list.

18 MS. CHRISTINE BRENNER: Yeah.

19 MS. RUTHANNE MILLER: I don't really
20 know.

21 MS. CHRISTINE BRENNER: Yeah. My estimate
22 is with -- the fact with the number of bars in

1 the Dupont Circle --

2 MS. RUTHANNE MILLER: Yeah.

3 MS. CHRISTINE BRENNER: -- that there is
4 definitely some overlap, and if both get
5 approved, then that's something that I will sit
6 down with all the general managers and owners and
7 tell them, "If you're not hanging our permit in
8 the venue, you will not be listed on our crawl."

9 MS. RUTHANNE MILLER: Okay. I don't think
10 we would approve it (inaudible), so (inaudible).
11 Personally, I wouldn't.

12 MS. CHRISTINE BRENNER: Okay.

13 MS. RUTHANNE MILLER: Um, what is it I
14 wanted to ask you, um ... Your number -- the
15 5,000 number, okay? So, you said that was based
16 on the capacity of the establishments you've
17 contacted, right?

18 MS. CHRISTINE BRENNER: Yes.

19 MS. RUTHANNE MILLER: And it's based on,
20 I guess, an estimate of -- of what the street can
21 hold?

22 MS. CHRISTINE BRENNER: As well as the

1 turnover rate. Um, a lot of people probably -- we
2 call it a rookie holiday -- um, are not used to
3 going out all the time, so they come right when
4 registration starts. So, by the time they leave
5 the venues, you have that new flow of customers
6 coming in. So, we do not believe that at any --
7 at one given time, there will be all 5,000
8 participants attending this all at once. Based
9 off of history.

10 MS. RUTHANNE MILLER: I know you're going
11 to get this, submit this later, but I would think
12 that you would have looked in the past to see
13 what (off-mic speaking), so, um, I look forward
14 to that. I -- and -- and -- and then I don't know
15 if you have a question now, um, about, uh,
16 whether the neighborhood can accommodate more
17 than that if we're having two, uh, pub crawls, if
18 we were to allow two.

19 MS. CHRISTINE BRENNER: Do I -- do I
20 believe that the neighborhood --

21 MS. RUTHANNE MILLER: Could accommodate -
22 -

1 MS. CHRISTINE BRENNER: -- could
2 accommodate both of them?

3 MS. RUTHANNE MILLER: -- more than 5,000.

4 MS. CHRISTINE BRENNER: I would be
5 nervous. I'll speak honestly, um, just because of
6 last year's events --

7 MS. RUTHANNE MILLER: Mm-hmm.

8 MS. CHRISTINE BRENNER: -- um, and
9 especially having a pub crawl company that came
10 in and, uh, did not have a permit at all. Um, so
11 I -- I'm saying we would be nervous for -- I'd be
12 nervous for the Board to approve both.

13 MS. RUTHANNE MILLER: Okay. And I don't
14 know -- I don't know if we've asked you this
15 before, but -- and sometimes, it's hard for us to
16 get an answer, but that being said, uh, sometimes
17 we were looking at cutting the number, and the
18 question would be, well, if we cut you down to
19 3,000 or something, would that still be
20 economically viable for you to do, do you know?

21 MS. CHRISTINE BRENNER: Honestly, with
22 the amount of cost that we have going into this

1 already, um, all the different security
2 companies, the litter plan, now having to pay our
3 staff members more money, um, for the extra hours
4 they work, the, uh -- our profit is lower than
5 usual; it's within the -- the hundred dollars'
6 range, few hundred dollars, um, but that's not
7 why we're doing this. We're doing it because it's
8 something that's been around for 18 years now --

9 MS. RUTHANNE MILLER: Mm-hmm.

10 MS. CHRISTINE BRENNER: -- um, and it's
11 for our customers. We do a few events throughout
12 the year, um -- not pub crawls, but Halloween
13 party -- or New Year's Eve parties, um, happy
14 hours, and stuff like that, that it's just
15 something additional for our customers. It's --
16 for us, it's not -- the money's not the bottom
17 line.

18 MS. RUTHANNE MILLER: Okay. You didn't --
19 you said it's only a few-hundred-dollar --

20 MS. CHRISTINE BRENNER: Yes.

21 MS. RUTHANNE MILLER: -- margin? Okay.
22 Thank you. And -- and I just wanted to ask Mr.

1 Peru a couple of things.

2 INVESTIGATOR JASON PERU: Yes.

3 MS. RUTHANNE MILLER: Okay. The -- the --
4 so, the red flags that you, you know, highlighted
5 for us --

6 INVESTIGATOR JASON PERU: Yes.

7 MS. RUTHANNE MILLER: How do you want --
8 what do you -- Do you have a, um, I don't know,
9 like, a purpose for flagging them, other than,
10 oh, they make you a little nervous because
11 they've had these issues before? Is that, "Okay,
12 we should not let them participate," or, "Okay,
13 we should monitor them more," or -- you know,
14 just kind of wanted to get a little bit more --

15 INVESTIGATOR JASON PERU: I think it was
16 more to make you aware, just based on the past.
17 Usually, I wouldn't do this, but the history for
18 a whole -- for an event or a pub crawl, but based
19 on that it is a Halloween pub crawl, all the
20 violations -- most violations that occurred --

21 MS. RUTHANNE MILLER: Mm-hmm.

22 INVESTIGATOR JASON PERU: -- or occur

1 doing that is going to be a substantial change,
2 expansion of their sidewalks, you know, the --
3 the -- the underage drinking. So, I just wanted
4 to point out places that had that recent
5 activities and fines and vios, you know,
6 especially the ones that happened actually on New
7 Year's Eve.

8 Mr. Alberti, though, I -- I -- I did go
9 through some histories, as you just mentioned --

10 MR. NICK ALBERTI: Mm-hmm.

11 INVESTIGATOR JASON PERU: -- and, um,
12 Cafe Asia and Eden IBar, Garden of Eden, um, do
13 have, uh, uh -- Asia has two primary tiers, all,
14 actually, both this year, and, um, IBar Eden has
15 primary tiers, uh, from '15 back to '13, so, um,
16 um, more than --

17 MR. NICK ALBERTI: But more than --

18 INVESTIGATOR JASON PERU: More than two,
19 yes, sir.

20 MR. NICK ALBERTI: More than two?

21 INVESTIGATOR JASON PERU: Yes. So, um,
22 Cafe Asia has two that I can count on these three

1 that I'm seeing, and then that'll all from this
2 year, and then, um, IBar has -- I count three
3 going back to 2013.

4 MR. NICK ALBERTI: Okay. I'll -- I'll
5 make sure that we take a closer look and --

6 INVESTIGATOR JASON PERU: So.

7 MR. NICK ALBERTI: -- make sure that it's
8 all correct, but --

9 INVESTIGATOR JASON PERU: Yes.

10 MR. NICK ALBERTI: -- (inaudible).

11 (Off-mic speaking)

12 INVESTIGATOR JASON PERU: Ms. -- Ms.

13 Miller, but to answer your question, I was just
14 kind of flagging things that I thought could
15 potentially be a problem, uh, you know, in -- in
16 this scenario because they had problems in the
17 past, just to make the Board aware when they're
18 making their decision.

19 MS. RUTHANNE MILLER: Right. Okay. You
20 can --

21 MR. NICK ALBERTI: And thank you, Mr.
22 Peru. And -- Yes --

1 INVESTIGATOR JASON PERU: You're welcome.

2 MR. NICK ALBERTI: -- thank you.

3 INVESTIGATOR JASON PERU: You're welcome.

4 MS. RUTHANNE MILLER: And, um, have you
5 monitored, um, pub crawls?

6 INVESTIGATOR JASON PERU: Myself?

7 MS. RUTHANNE MILLER: Have you monitored
8 pub crawls?

9 INVESTIGATOR JASON PERU: Yes.

10 MS. RUTHANNE MILLER: About how many?

11 INVESTIGATOR JASON PERU: Three and a
12 half years, quite a bit, and --

13 MS. RUTHANNE MILLER: Three and a half
14 years? Okay.

15 INVESTIGATOR JASON PERU: And I've worked
16 Halloween, I think, the past, maybe, 3 years. It
17 falls on my date, so --

18 MS. RUTHANNE MILLER: Okay. Good.

19 INVESTIGATOR JASON PERU: -- I've
20 actually worked it, so yes.

21 MS. RUTHANNE MILLER: All right. So --

22 INVESTIGATOR JASON PERU: So.

1 MS. RUTHANNE MILLER: -- (off-mic
2 speaking). Good. Let me ask you this, then, um --
3 if you'd care -- if you can comment on the 5,000
4 number.

5 INVESTIGATOR JASON PERU: It -- it -- it
6 seems -- it seems like a large -- Uh, and I -- I
7 -- Honestly, um, hearing -- talking about the
8 fire marshal -- and I understand why they said
9 that, because it -- it appears -- a 5,000 crowd
10 appears to be an event, a block party event, with
11 street closures, and that's how I would see that
12 and that number to be, not a pub crawl of people
13 moving from bar to bar. That's -- that's not, you
14 know -- that's -- that's a large -- that's a
15 large number. It's definitely a large number. It
16 definitely draws concern.

17 I mean, if you're asking me for my, uh,
18 uh, professional and honest opinion --

19 MS. RUTHANNE MILLER: Mm-hmm.

20 INVESTIGATOR JASON PERU: -- that -- that
21 high number, based on the circumstances of being
22 a pub crawl to move throughout the city and that

1 Dupont Area that it's already congested on any
2 given Thursday, Friday, Saturday night, it -- it
3 could definitely potentially be a problem, and I
4 understand why the fire marshal's office went in
5 a different direction with the -- with the event
6 permit.

7 MS. RUTHANNE MILLER: Um, two questions:
8 And how does this afternoon now, 12:00 to 7:00 --
9 Does that, uh, affect your opinion?

10 INVESTIGATOR JASON PERU: I'm sorry?

11 MS. RUTHANNE MILLER: It's scheduled from
12 12:00, now, to 7:30 -- afternoon, 12:00 to 7:30,
13 basically.

14 INVESTIGATOR JASON PERU: Oh, um, yeah,
15 the -- uh, we're -- we're talking about avoiding
16 the evening congestion, absolutely, that
17 definitely helps, because the clubs aren't --
18 Well, see -- and I -- I can't even say that,
19 because the clubs have operating hours -- we all
20 know this -- but they usually open between 10:30
21 and 11. However, it is Halloween, so what
22 everyone's offering that day is going to be

1 specials, and, you know, Halloween parties and --
2 and all that stuff. So, I think -- I think, uh,
3 noon -- afternoon is -- is probably a good time
4 to start. Um, you know, I can't -- I can't really
5 say if -- if it's going to be -- the 7:30 is any
6 better than the 9:30 or the 10:30, but, uh, you
7 know, I think -- think the earlier the better in
8 this case.

9 MS. RUTHANNE MILLER: Okay. So, it should
10 be less congested than evening.

11 INVESTIGATOR JASON PERU: At noon,
12 absolutely, yes.

13 MS. RUTHANNE MILLER: Okay. And, uh, this
14 is my last question to, um -- You know, and if
15 you -- you can give me an answer if you have it,
16 again, okay? So, to you, 5,000 is now a special
17 event, right? And I'm sure the fire department
18 may have its definition, too. Is, um, 3,500 a
19 special event in your opinion?

20 INVESTIGATOR JASON PERU: Uh, honestly, I
21 -- the events that I've worked --

22 MS. RUTHANNE MILLER: Mm-hmm.

1 INVESTIGATOR JASON PERU: -- with streets
2 being closed, and then events that I've worked
3 that are just, uh, smaller -- you know, the 2,000
4 number seems to be a -- a good, even number that
5 -- that when I hear 2,000 it doesn't -- It seems
6 like a lot of people to me --

7 MS. RUTHANNE MILLER: Yeah.

8 INVESTIGATOR JASON PERU: -- but not
9 overwhelming in a sense because I know they're
10 not all coming at once.

11 MS. RUTHANNE MILLER: Yeah.

12 INVESTIGATOR JASON PERU: But when I see
13 5,000, if only -- if half comes at once, we're
14 looking at 2,500. That's kind of how I mentally
15 do it when I'm looking at an event that I'm
16 working, but, you know, I -- I can't -- You know,
17 I can't say because it -- it's hit and miss if
18 everyone comes at once or people come at
19 different times. But I think -- I think, uh, you
20 know, there has to be -- If -- I don't know what
21 the answer for a reasonable number is for a pub
22 crawl to be honest with you.

1 MS. RUTHANNE MILLER: Okay. But I -- I
2 just appreciate that you've had all these years
3 of seeing pub crawls and different numbers, so
4 the -- the numbers actually probably mean
5 something to you, you know. Um, thank you.

6 INVESTIGATOR JASON PERU: You're welcome.

7 MS. RUTHANNE MILLER: I -- I just have
8 one more question for Ms. Brenner, and that is,
9 if -- if, uh, a couple of these establishments
10 are excluded based on their record of violations,
11 whatever, are -- would it be your intent to
12 replace them or just go with a lesser number?

13 MS. CHRISTINE BRENNER: Um, I would
14 prefer to replace them if, uh, Counsel agrees to
15 a different number of bars --

16 MS. RUTHANNE MILLER: Okay.

17 MS. CHRISTINE BRENNER: -- um, but we
18 think that the number of bars that we have so far
19 will be sufficient enough for the number of
20 people.

21 MS. RUTHANNE MILLER: Okay. Great. Thank
22 you. Okay. Thank you, Mr. Chair.

1 MR. DONOVAN W. ANDERSON: You're welcome.
2 Mr. Short?

3 MR. JAMES SHORT: Yes. Um, piggy-backing
4 on what, uh -- what Member Miller just mentioned,
5 uh, to you about coordinating -- Just if I could,
6 because I have a little expertise in this field -
7 - The reason why they're asking for a special
8 events permit from anybody doing anything during
9 Halloween is so the police department, fire
10 department can coordinate the number they need.
11 But if they don't have a clue -- like they didn't
12 last year -- bad things can happen.

13 And -- and I'd also like to go on the
14 record -- again, I do have some expertise in this
15 field -- New York City, Chicago, Philadelphia, a
16 few other cities model their fire prevention
17 after the District of Columbia, and so, after New
18 York had a couple of real bad fires at the after-
19 hour clubs, they finally turned the tune up on --
20 on regulations a little better.

21 Here in Washington, D.C., we had some
22 people to get burnt to death, and we had some

1 people get trampled to death in the night clubs.
2 At that time, the city reined down and in for a
3 while, and now it seems like after the deaths
4 will go away for a while, everybody just kind of
5 gets, "Well, we can go back to that."

6 I'm just going to put it on the record
7 that, um, I -- I think 5,000 people is just too
8 many for that area. I want to go on the record.
9 And I -- I'd also -- I'm only one vote -- I'd
10 also say to you, um, Ms. Brenner, that, um -- You
11 -- you sat here during the hearings, correct?

12 MS. CHRISTINE BRENNER: Yes.

13 MR. JAMES SHORT: When -- when we had all
14 the hearings. Did you hear a police officer
15 testify, who works -- who is in charge of that
16 district -- Do you -- Can you tell me the number
17 that he said he thought he could safely handle?
18 Or do you remember?

19 MS. CHRISTINE BRENNER: I believe it was
20 2,000, but I can't be certain.

21 MR. JAMES SHORT: You think it was that
22 high?

1 MS. CHRISTINE BRENNER: I do.

2 MR. JAMES SHORT: I -- I don't think it
3 was -- But anyway, I'm going to get -- I'm going
4 to get the transcript, and -- and I'm going to
5 share that with my Board members.

6 But I -- I'll simply say this to you: If
7 the police department is telling this Board they
8 can't handle those crowds, if the police
9 department and fire department is saying to this
10 Board and saying to everybody else, "You guys go
11 ahead and open the flood gate; we'll do what we
12 can," I think that this Board needs, also, to
13 coordinate its mindset with the rest of the city,
14 and that's what special events would do. So,
15 again, I -- I thank you for saying you're going
16 to -- Again, can you give me a commitment what
17 you're going to do with the special events?

18 (Off-mic speaking)

19 MR. JAMES SHORT: Okay. Well, I have one
20 more question.

21 MR. DONOVAN W. ANDERSON: No, I'm just
22 saying about that. I'm going to address that. But

1 go ahead.

2 MR. JAMES SHORT: You want me to --

3 MR. DONOVAN W. ANDERSON: You can go
4 ahead. I -- I'm going to address that issue about
5 the special events.

6 MR. JAMES SHORT: Okay.

7 (Off-mic speaking)

8 MR. DONOVAN W. ANDERSON: Yeah. Yes.

9 Yeah.

10 (Off-mic speaking)

11 MR. JAMES SHORT: Okay. All right. Well,
12 that's all I have, Mr. Chair. Thank you.

13 MR. DONOVAN W. ANDERSON: All right.

14 MS. CHRISTINE BRENNER: Thank you.

15 MR. DONOVAN W. ANDERSON: All right. Um -
16 - And, Ms. Brenner, let me -- let me say this to
17 you. Um -- and I'll say, publicly, you have my
18 support. I don't know where any of the other
19 Board members are. However, um -- But let me say
20 this: Um, there is another pub crawl in the area
21 for the same time, and they're asking for 2,500.

22 MS. CHRISTINE BRENNER: Okay.

1 MR. DONOVAN W. ANDERSON: And you're
2 asking for 5,000. So, therefore, you're talking
3 about 7,500 -- Uh, if we were to approve both of
4 them, you'll say 75. And in light of, you have
5 been here, and you're hearing what the Board is
6 saying, I'm not sure if the -- the Board is here
7 for -- to put 7,500 people in that area, whether
8 or not it's in the day.

9 So, um, I'm going against my better
10 judgement, but what's the minimum number could
11 you live with? Because I am not sure if the Board
12 would agree to 7,500 in the area all the rest of
13 the day, and -- and, um, to be mindful of that. I
14 -- I appreciate the fact that Mr. Alberti said to
15 you about the registration, and you have agreed
16 to change that to 5:30.

17 And, um, regarding Special Events, I just
18 want to -- I'm -- I'm not sure what the rules and
19 regulations are, but rather than you reaching
20 out, the Board will -- will -- will -- the
21 administration will find out from Special Events
22 whether or not you need a permit. And so, that's

1 up to us to take care of that. So, you don't have
2 to contact them. We will let you know if that's
3 necessary.

4 MS. CHRISTINE BRENNER: Okay.

5 MR. DONOVAN W. ANDERSON: All right.
6 That's just the ABRA. But in a sense of numbers -
7 - and --

8 MS. CHRISTINE BRENNER: Mm-hmm.

9 MR. DONOVAN W. ANDERSON: -- I said
10 before, we're looking at the totality of the
11 event. And I don't think that this Board as -- is
12 -- is -- will be in favor of putting 7,500 people
13 in that neighborhood, if we were to approve 5,000
14 for you and 2,500 for -- for that other event.
15 So, looking at -- um, uh, my recommendation to
16 you is, uh -- What -- what is the minimum number
17 in that establishment -- in -- in that area, do
18 you believe, in light of everything you've heard,
19 that you believe could work for you so we can see
20 what we can do?

21 I'm just -- I'm just saying, based on
22 what I'm hearing and -- and I think, based on

1 what you're hearing, it doesn't appear that the
2 Board wants to -- not that the Board's going to
3 say you can't have your event, but just -- but
4 the total number of people for the -- for these
5 two events, if the Board was to approve it, it
6 would be higher than 7,500 people in the -- in
7 that neighborhood during the day, and I -- I'm
8 not sure if the Board wants to do that.

9 MS. CHRISTINE BRENNER: I understand. Um,
10 if -- Lindy Promotions is given the only bar
11 crawl permit, I'd be happy to amend it down to
12 3,000 people for our bar crawl. Um, and then, if
13 we're still talking of both companies being
14 approved that day, um, I would like to keep it at
15 3,000, but I understand that there are concerns,
16 so I would drop it down to match the other
17 company at 2,500.

18 MR. DONOVAN W. ANDERSON: I -- I
19 appreciate that, and I said before, it's not --
20 it's not my goal to -- uh, and my goal is not to
21 come up with arbitrary numbers, and I'm not --
22 and I -- I -- I'm not saying whether or not 2,500

1 is appropriate, 3,000 appropriate. It's not a --
2 it has nothing to do with what numbers are
3 appropriate.

4 I'm just saying, looking at the total
5 numbers and we're talking about 7,500 people, I
6 don't think that from the -- although I was not
7 here last year with -- with -- with the bar
8 crawls, but I've heard enough from the Board to
9 say that they are not going to approve 7,500 in
10 that area. And I want you to be mindful of that.

11 So, therefore, rather than the Board go
12 back there, say, "Well, we reject 5,000," or
13 start playing with numbers, I want -- I -- I want
14 to -- you put a proposal. You're -- you're --
15 you're seeking 5,000, which we will discuss.
16 However, you're open to this number, rather than
17 the Board say 1,000, for whatever reason. And --
18 and that's -- So, that's just my reason for
19 asking the question.

20 MS. CHRISTINE BRENNER: I understand, and
21 I appreciate that.

22 MR. DONOVAN W. ANDERSON: You're welcome.

1 Um, do we have any other questions by any other
2 Board members?

3 (No audible response)

4 MR. DONOVAN W. ANDERSON: Um, any -- do
5 you have any final thoughts, or you have any --
6 anything that -- anything else you want to state?

7 MS. CHRISTINE BRENNER: Uh, no. Just,
8 thank you.

9 MR. DONOVAN W. ANDERSON: Um, Mr. Peru or
10 Ms. Cullings?

11 INVESTIGATOR JASON PERU: No, I'm fine.
12 Thank you.

13 MR. NICK ALBERTI: Uh, just --

14 MR. DONOVAN W. ANDERSON: Yes, Mr.
15 Alberti?

16 MR. NICK ALBERTI: If you would, um, take
17 your application and amend the registration time
18 on it and just initial it --

19 MS. CHRISTINE BRENNER: Yes.

20 MR. NICK ALBERTI: -- so I can have
21 (inaudible).

22 (Off-mic speaking)

1 MR. DONOVAN W. ANDERSON: All right.

2 (Off-mic speaking)

3 MR. DONOVAN W. ANDERSON: Yeah, well,
4 we'll, um -- We'll take this under advisement.
5 Yeah, we'll take this under advisement and, um,
6 if you'll --

7 (Off-mic speaking)

8 MR. DONOVAN W. ANDERSON: Yeah, we'll
9 take this under advisement, and we'll issue a --
10 a -- a decision accordingly. And, um --

11 (Off-mic speaking)

12 MR. DONOVAN W. ANDERSON: All right. Yes,
13 Ms. Miller.

14 MS. RUTHANNE MILLER: I just wanted to,
15 uh, say that I'm still interested in those
16 figures.

17 MS. CHRISTINE BRENNER: Of course.

18 MS. RUTHANNE MILLER: Just because for,
19 um, determinations (inaudible).

20 MS. CHRISTINE BRENNER: I know I can
21 definitely get last year's by -- by the end of
22 today, uh, and I can go back for all the other

1 ones. So as long as he answers my phone call, I
2 can get the, uh --

3 MS. RUTHANNE MILLER: Great.

4 MS. CHRISTINE BRENNER: -- last 5 years.

5 MS. RUTHANNE MILLER: That's great. Thank
6 you very much.

7 MS. CHRISTINE BRENNER: My pleasure.

8 MR. DONOVAN W. ANDERSON: All right.

9 Thank you very much. Um, it's, um, 12:43. The
10 Board will be in recess. This concludes the
11 Board's schedule, formal schedule, for the day.
12 We have no more hearings. So, I see folks in the
13 audience. Is there anyone in the audience because
14 they're thinking that there's another hearing I
15 was supposed to move forward?

16 (Off-mic speaking)

17 MR. DONOVAN W. ANDERSON: Talk to Miss --
18 Talk to her, please.

19 (Off-mic speaking)

20 MR. DONOVAN W. ANDERSON: We're in recess
21 for a minute.

22 (Whereupon, the above-entitled matter

1 went off the record.)

2 MR. DONOVAN W. ANDERSON: All right. We -
3 - the Board is in recess. Um, basically, what is
4 going to happen: We do not have an afternoon
5 hearing. At some point, I will come out and close
6 the record, so I will let you know. So, if you
7 need to go to lunch, you can -- you can take an
8 hour for lunch, and I will, um -- and say -- I
9 will say, about 2:00 we will come back out here
10 and close the record for the day. So -- so,
11 please be back at your desk at 2:00.

12 FEMALE SPEAKER: All right. Thank you
13 very much.

14 MR. DONOVAN W. ANDERSON: All right.
15 You're welcome. All right. We're in recess.

16 (Whereupon, the above-entitled matter was
17 concluded.)